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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,843	09/19/2003	William E. Sobel	SYMAP033	5791
21912	7590	02/27/2007	EXAMINER	
VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			LASHLEY, LAUREL L	
			ART UNIT	PAPER NUMBER
			2132	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/666,843	SOBEL, WILLIAM E.
Examiner	Art Unit	
Laurel Lashley	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 04 December 2006.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-7,9-14 and 16-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-7, 9-14, 16-22 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendments filed 12/4/2006 have been entered. It is noted that claims 1, 14 and 16 have been amended. Claims 8 and 15 have been cancelled. As such claims 1 - 7, 9 - 14 and new claims 16 – 22 are pending. Amendment to the specification has also been accepted.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 12/04/06 was filed before the mailing date of any of a final Office action under § 1.113. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Response to Arguments***

3. Applicant's arguments filed 12/4/06 have been fully considered but they are not persuasive. While it is noted that Kalajan teaches validation by way of a password system, the reference also accounts for "using other validation techniques" (see column 4, line 4). As such access to network resources can be configured to selectively accept or reject packets from validated or invalidated client network addresses respectively based on varying parameters. (see column 1, lines 49 – 55) This client validation system in collaboration with port and firewall are configured to control the passage of packets. (see column 2, lines 54 – 58) A skilled artisan would appreciate that data packets include information about the packet and assists firewalls in the determination of which to accept or denied. Firewall have built filters (e.g. authentication techniques such as packet observation) thus it is inherent that if packets are being evaluated for time validity then behavior pattern observation is occurring otherwise a determination about

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whether to restrict or allow communication could not be determined (see column 6, lines 47 – 51).

For at least these reasons the Examiner maintains the rejection of claims 1 - 7, 9 – 14 and new claims 16 – 22.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 - 7, 9 – 14 and 16 – 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kalajan in US Patent No. 6202156 (hereinafter US '156).

5. For claim 1, US '156 discloses:

A method for network security comprising:

receiving a request from a remote address at a host;

observing a behavioral pattern of packets associated with the request;

authenticating the remote address based on the pattern associated with the request;

and

enabling access to the host by the remote address for a configurable time period if the remote address is authenticated. (see Abstract; Figure 1; column 1, lines 35 – 63, 65 – column 2, lines 1 – 10, 29 – 34, 37 – 43, 50 – 52, 60 – 65)

For claim 2, and similar claim 17, US '156 teaches:

A method for preventing network discovery of a system services configuration as recited in claim 1 further including preventing a response from being sent to the remote address. (see column 1, lines 36 – 37; column 3, lines 17 – 20)

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For claim 3, and similar claim 18, US '156 discloses:

A method for preventing network discovery of a system services configuration as recited in claim 1 wherein receiving a request from a remote address at the host further includes receiving a probe. (see column 2, lines 42 – 43; column 4, lines 41 – 43, 58 – 61)

For claim 4, and similar claim 19 US '156 discloses:

A method for preventing network discovery of a system services configuration as recited in claim 1 wherein observing a pattern associated with the request further includes recording data received at the host. (see column 4, lines 33: firewall; column 6, lines 47 – 56)

For claim 5, and similar claim 20, US '156 teaches:

A method for preventing network discovery of a system services configuration as recited in claim 1 wherein observing a pattern associated with the request further includes matching the pattern to a list. (see column 4, lines 1 – 11)

For claim 6, US '156 teaches:

A method for preventing network discovery of a system services configuration as recited in claim 1 wherein observing a pattern associated with the request further includes recording a sequence. (see column 4, lines 1 – 11, 35 – 39 and 54 -61)

For claim 7, and similar claim 21 US '156 teaches:

A method for preventing network discovery of a system services configuration as recited in claim 1 wherein authenticating the remote address based on the pattern associated with the request further includes comparing the pattern to a list. (see column 4, lines 1 – 11 and 54 – 61)

For claim 9, and similar claim 22 US '156 discloses:

A method for preventing network discovery of a system services configuration as recited in claim 1 wherein authenticating the remote address based on the pattern associated with the request further includes preventing a response being sent to the remote address if the remote

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address fails to authenticate. (see column 4, lines 62 – 65: blocked by firewall; column 5, lines 53 – 56)

For claim 10, US '156 teaches:

A method for preventing network discovery of a system services configuration as recited in claim 1 wherein authenticating the remote address based on the pattern associated with the request further includes denying access to the host if the remote address fails to authenticate. (see column 5, lines 53 – 56 and 65 - column 6, lines 1-7)

For claim 11, US '156 teaches:

A method for preventing network discovery of a system services configuration as recited in claim 1 wherein authenticating the remote address based on the pattern associated with the request further includes sending a message to the remote address if the request fails to authenticate. (see column 5, lines 53 – 56 and 65 - column 6, lines 1-7)

For claim 12, US '156 discloses:

A method for preventing network discovery of a system services configuration as recited in claim 1 wherein enabling access to the host by the remote address further includes providing access for a configurable amount of time. (see column 2,, lines 61 – 64 and column 4, line 66 – column 5, lines 1 – 4)

For claim 13, US '156 discloses:

A method for preventing network discovery of a system services configuration as recited in claim 1 wherein enabling access to the host by the remote address further includes implementing a handshake between the remote address and the host. (see column 4, lines 54 – 58)

For claim 14, US '156 discloses:

A system for preventing network discovery of a system services configuration comprising:

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a port for receiving a request from a remote address;  
a listening module for observing a pattern associated with the request; and  
an agent for authenticating the remote address and the pattern associated with the request and enabling access to the port if the pattern associated with the request is authenticated. (see Abstract; Figure 1; column 1, lines 35 – 63, 65 – column 2, lines 1 – 10, 29 – 34, 37 – 43, 50 – 52, 60 – 65)

For claim 16, US '156 discloses:

A computer program product for preventing network discovery of a system services configuration, the computer program product being embodied in a computer readable medium and comprising computer instructions for:

receiving a request from a remote address at a port;  
observing a behavioral pattern of packets associated with the request;  
authenticating the request from the remote address based on the pattern associated with the request; and  
enabling access by the remote address to the port to initiate a connection if the request is authenticated. (see Abstract; Figure 1; column 1, lines 35 – 63, 65 – column 2, lines 1 – 10, 29 – 34, 37 – 43, 50 – 52, 60 – 65)

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goldsack et al. in US Patent No. 6831890 and Hershey et al. in US Patent No. 5414833 disclose monitoring data packets patterns.
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurel Lashley  
Examiner  
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LLL

21 February 2007

  
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